

#### REMARKS

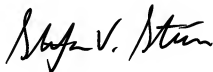
The Examiner has deemed Applicant's arguments with respect to Claims 2, 8 and 14 as moot in view of new grounds of rejection. Specifically, the Examiner argues that Bates (U.S. 6,721,953) does disclose "removing from the first set of broadcasted programs a third set of broadcasted programs, the third set of broadcasted programs including broadcasted programs not viewed by a viewer for a period of time at least equal to a second threshold." The Examiner also argues that Bates discloses "viewer indicating dissatisfaction" and "updating any threshold". The Examiner also states that Bates does disclose a "fourth, fifth, or sixth set of programs or their corresponding thresholds". The Examiner therefore rejects Claims 1-18 under 35 U.S.C. 102(e) as being anticipated by Bates et al.

Applicant has amended the independent claims to clarify that the second threshold is less than the first threshold (defining a "bracketing" feature) to thereby distinguish Bates's "counter" that operates from a single threshold (i.e., the counter may be incremented or decremented but is not bracketed). Therefore, Applicant respectfully requests reconsideration of the rejection.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization,

or credit any overpayment, to Deposit Account No. 50-1667.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stefan V. Stein". The signature is fluid and cursive, with the first name "Stefan" and last name "Stein" clearly distinguishable, and a middle initial "V." in between.

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